

Application Ser. No. 10/563,140

Title: A MILKING DEVICE AND A METHOD OF HANDLING A MILKING DEVICE

Group Art Unit: 3643, Examiner: R. Thomas Price Jr.

Amendment and Response to Office Action dated April 8, 2008

### **Remarks**

Claims 1-6, 8-9, and 11-22 remain in this application. Claim 1 has been amended to incorporate the limitations of claims 7 and 10. Claim 8 has now been amended to depend from claim 1 in view of the fact that the limitations of claim 7 have been incorporated in claim 1. Accordingly, in view of the indicated allowability of claim 10, it is believed that the apparatus claims 1-6, 8-9, and 11-14 are now allowable in view of the amendment to claim 1.

However, applicant respectfully requests reconsideration of the rejection of method claims 15-21 and submits that all method claims are in condition for allowance and not only method claim 22. That is, once appropriate weight is given to the functional recitations which are included in the steps of method claim 15, it is believed allowable and distinguishable over the prior art of record.

Broadly speaking, the purpose and desired result of the method of the present invention is to provide a secure and reliable gas supply to the milk-transporting member during milking and to provide an efficient and convenient cleaning of the gas supplying means. Such efficient cleaning of the gas supplying means is a precondition for a reliable gas supply to the milk-transporting member during milking. The foregoing function and advantages are described on page 4, first paragraph of the underlying published PCT application PCT/SE2004/000971.

The method claims of the present invention recite that gas is supplied to the milk-transporting member via a gas conduit (gas conduit 11 shown in the drawing) in order to increase

the transport of milk. The method calls for the transport of milk during the milking state, and as described at page 10, the paragraph beginning at line 5, valve 18 is closed during the milking state. Then, as described at page 11, the paragraph beginning at line 20, when the milking state has been finished and the cleaning state of the milking device is to be initiated, the valve 18 is opened. During the cleaning state, cleaning liquid is conveyed from the cleaning device 9 via the nozzles 22 into the teat cups 2 as called for in claim 22. As called for in claim 18, From the teat cups, cleaning liquid is delivered by a cleaning device to the teatcup and then, as claimed in claim 15, conveyed through the milk transporting member to the milk-collecting member 4. Beneficially, a part of the cleaning liquid is also conveyed through the gas conduits (11), which have a first end connected to the milk-transporting member, to the milk-collecting member due to the low pressure applied via, for instance, a vacuum pump. In this way, the gas conduit 11 will also be efficiently cleaned during the cleaning state. It is important to note that claim 15 calls for supplying cleaning fluid from the milk transporting member and through the gas conduit by low pressure – thus the cleaning fluid is sucked through the gas conduit from the milk transporting member towards the second end of the gas conduit.

In contrast, U.S. Patent No. 4,572,105 to Chowdhury describes a system for flushing a milking machine comprising one or a plurality of milking units. The milking units are connected to a milk conduit and can, after the milking has been finished, be connected to a wash line 14. Cleaning liquid and air are introduced via the wash line 14 in a sequential manner through the

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milking units. The specific purpose of the air is to increase the turbulence in the cleaning liquids and thus increase the flushing ability of the water or the cleaning liquid. Chowdhury '105 does not anticipate claim 15 (or for that matter render it obvious under 35 U.S.C. §103) because it does not disclose the introduction of air to the milk conduits during the milking state. At col. 2, lines 6-19 of the '105 patent, Chowdhury teaches that during milking, milk is delivered from the milk claw 10 (which includes the teatcups) via the milk line 9 to a line 12 which connects to the milk line 13. There is no showing or teaching of a step of introduction of air to the milk conduits via a gas conduit to permit the transporting of milk as set forth in claim 15 of the present application. In addition to the fact that Chowdhury does not disclose a gas conduit functioning to supply gas during milking as claimed in claim 15 et seq. of the present application, Chowdhury '105 teaches that the water and/or sanitizing fluid is pushed through the wash line 14. That is, pump 23 delivers a mixture of water and sanitizing fluid via lines 24 and 18 and thence to manifold valve 17 through line 21. The high pressure air is provided to open the valve as described at col. 6, and a burst of low pressure air from line 30 causes turbulence in line 8 for promoting cleaning. Thus, line 14 is a delivery source for the cleaning liquid in a direction towards the teatcups. This is a direction opposite to that called for in claim 15.

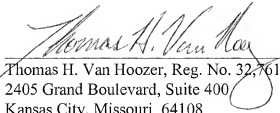
Thus, method claim 15, and claims 16-22 which depend therefrom, teach away from the cited reference and are patentably distinguishable therefrom. For these reasons, applicant respectfully requests that the present application be passed to allowance.

Should the examiner have any questions which may be resolved by telephone conference, it is requested that the examiner contact applicant's attorney at 1-800-445-3460. Should this amendment necessitate any additional fees it may be charged to Deposit Account No. 19-0522.

Respectfully submitted,

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